

LOUISVILLE METRO CIVIL SERVICE BOARD

Adopted by and governing the Board for all employees of
Metro Louisville working in Civil Service positions.



Members of the Board

Dr. Glenn Rodriguez – Chairperson
Dr. Linda Shapiro– Vice-Chairperson
Ms. Ginger Brown – Member
Mr. Kevin Fields – Member
Mr. Elvis Vaughn – Member
Ms. Kathleen Parks - Member
Mayor Jerry Abramson – Ex-Officio

Lynne Fleming – Acting Director/Secretary
Steve Wilkins – Chief Examiner

(Revised 7/09/09)

TABLE OF CONTENTS

	<u>PAGE</u>
1. GENERAL PROVISIONS	
1.1 Definition of Terms	4-9
1.2 Authority	10
1.3 Purpose	11
1.4 Scope	12
1.5 Policy of Non-Discrimination	13
1.6 Political Activities	14
1.7 Amendments	15
1.8 Effect on Declaration of Invalidity	16
2. CIVIL SERVICE BOARD OPERATIONS	
2.1 Membership	17
2.2 Officers and Their Election	18
2.3 Meetings	19-20
2.4 Records and Files	21-22
3. POSITION CLASSIFICATION	
3.1 General Provisions	23
3.2 Job Descriptions	24
3.3 Use of Classification Titles	25
4. APPLICATION AND SELECTION FOR EXAMINATION	
4.1 Recruitment	26
4.2 Announcements	27
4.3 Applications	28
4.4 Disqualification of Applicants, Eligibles and Appointees	29-31
5. EXAMINATIONS	
5.1 Character of Examinations	32
5.2 Scope of Examinations	33
5.3 Admission to Examinations	34
5.4 Administration	35
5.5 Promotional Examinations	36
5.6 Stress and Medical Examinations	37
5.7 Errors in Grading	38
5.8 Postponement or Cancellation	39
5.9 Passing Point Scores	40
5.10 Notice of Test Results	41
5.11 Ratings of Examination	42-43

6.	ELIGIBILITY LISTS	
6.1	General Provisions	44
6.2	Open Competitive Eligibility Lists	45
6.3	Promotional Eligibility Lists	46
6.4	Reemployment Eligibility Lists	47-48
6.5	Preferred Reemployment Eligibility Lists	49-50
6.6	Metro Preferred Reemployment List	51
6.7	Removal of Names From Eligibility List and Disqualification of Applicants	52
7.	APPOINTMENT	
7.1	Requisitions	53
7.2	Certification	54-55
7.3	Type of Appointments	56-57
8.	PROBATION	
8.1	Objective of the Probationary Period	58
8.2	Regular Appointment Following Probationary Period	59
8.3	Dismissals during the Probationary Period	60
9.	PROCEDURES ON DISMISSALS, SUSPENSIONS, AND APPEALS	
9.1	General Provisions	61
9.2	Disciplinary Actions; Appeals	62-63
10.	LEAVES OF ABSENCE	
10.1	General Provisions	64
10.2	Military Leave	65
10.3	Leave Without Pay	66-67
10.4	Procedure For Granting Leaves	68
11.	LAY-OFF	
11.1	Lay-Off Procedure	69-70
12.	RESIGNATION	
12.1	General Provisions	71
12.2	Mandatory Retirement Age	72
13.	SERVICE RATINGS	
13.1	Use Of Service Ratings	73
14.	REASSIGNMENTS	
14.1	General Provisions	74
15.	INDEX	75-77

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.1

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1.1 DEFINITION OF TERMS

Throughout these rules, the following terms shall have the meaning given below, unless the context clearly indicates otherwise. The meaning of terms in appendix material shall be consistent with the meanings given for these rules, unless the appendix material indicates otherwise.

ABSENCE WITHOUT LEAVE – an unapproved absence from work.

APPEAL - a request made by an employee to the Board to review a layoff, dismissal, suspension or demotion.

APPLICANT - a person seeking admission to the examination process.

APPOINTING AUTHORITY – means the officer, board, commission, department, agency, person or group of persons having the power of appointment to and removal from positions in the classified service as provided in KRS 90.110 to 90.230.

APPOINTMENT - the selection of an eligible to fill a vacancy.

APPOINTMENT, ACTING - a temporary appointment to a higher classification for a period not to exceed 90 days.

APPOINTMENT, EMERGENCY - a temporary appointment made without regard to competition, which shall not exceed 90 days in any one fiscal year except by approval of the Board.

APPOINTMENT, PROBATIONARY – means an appointment to any position subject to the provisions of KRS 90.110 to 90.230, which shall be made in accordance with the provisions of KRS 90.180 and shall not be less than six months nor more than one year in duration except by approval of the Board.

APPOINTMENT, REGULAR – means an appointment to a position subject to the provisions of KRS 90.110 to 90.230 made after an employee has served a probationary period in a regular manner deemed satisfactory to the appointing authority.

APPOINTMENT, TEMPORARY - an appointment for a specific and limited period of time to provide work or a service of a temporary or transitory nature not to exceed 90 days in any one fiscal year except by approval of the Board.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.1 (cont.)

BAND – means a series of test scores, defined by a high score and a low score, which, based upon the psychometric properties of the total distribution of scores, may be interpreted as indicative of a given level of knowledge, skill or ability for a job class. (Assigning someone to a band is similar to assigning someone a letter grade [A, B, C, D, or F] in school. Everyone within a certain range of scores gets the same grade.)

BOARD – the Louisville Metro Civil Service Board.

CANDIDATE - an applicant who has met all qualifications and is completing all required examinations.

CERTIFICATION - the submission of a list of eligibles to the appointing authority for appointment consideration.

CLASSIFICATION - one or more positions having the same job title, job code, minimum requirements, and in the same salary grade.

CLASSIFICATION PLAN – means the system of classes and job descriptions and a code of formal fundamental rules for the installation and maintenance of the Classification Plan and for the interpretation, amendment and alteration of the classes and job descriptions to keep pace with the changes in the Service and in the positions therein.

CLASSIFIED SERVICE - all employees of the Family Health Centers, Emergency Management Agency, Division of Fire and Rescue, Police Department (except for Officers, Recruits and Cadets), and Civil Service Board. Employees on a leave of absence to take a non-classified appointment will retain their classified status upon the termination of their leave of absence.

CLASSIFY – means the assignment of a position to a class on the basis of significant duties and responsibilities of such a position.

COMPETITIVE EXAMINATION – shall include consideration and rating of any or all of the following qualifications of applicants' education, training, experience, general adaptability, special aptitude, physical fitness, knowledge, skill, personality, character, and such other qualifications as may be deemed necessary for the satisfactory performance of the duties of the respective positions.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.1 (cont.)

=====

COVERED EMPLOYEE - An employee, except those on a leave of absence to take a non-classified appointment of either the Family Health Centers, Emergency Management Agency, Division of Fire and Rescue, Police Department (except for Officers, Recruits and Cadets) or Louisville Metro Civil Service Board.

DAY - in all instances where day is referred to, it shall be understood to mean calendar day, unless otherwise noted. In computing any period of time prescribed by these rules, if the day on which, or by which an act is required to be done falls on a Saturday, Sunday, legal holiday, or a day on which Human Resources is closed, the act may be done on the next day which is not one of the days just mentioned.

DEMOTION - the movement of an employee from one classification to another classification assigned to a lower salary grade.

DEPARTMENT - either the Family Health Centers, Emergency Management Agency, Division of Fire and Rescue, Police Department (except for Officers, Recruits and Cadets) or, Louisville Metro Civil Service Board.

DIRECTOR – means the personnel director employed by the Board who is the administrative officer as provided for in KRS 90.140.

DISCIPLINE - any effort to instruct or punish an employee concerning inappropriate conduct and behavior requiring redirection. Types of discipline may include counseling, warnings, reprimands, dismissals, suspensions, and demotions.

DISMISSAL - an involuntary separation.

ELIGIBILITY LIST -- COMPETITIVE - a list of names of eligibles to be considered for appointment.

ELIGIBILITY LIST – METRO PREFERRED REEMPLOYMENT – a list of names of former metro employees separated from employment as a result of layoff and eligible to be considered for reemployment.

ELIGIBILITY LIST -- PREFERRED REEMPLOYMENT - a list of names of former regular covered employees separated from employment as a result of layoff and eligible to be considered for reemployment.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.1 (cont.)

=====

ELIGIBILITY LIST -- PROMOTIONAL - a list of names of eligibles compiled for a promotion.

ELIGIBILITY LIST -- REEMPLOYMENT - a list of names of former regular covered employees who have resigned in good standing and are eligible to be reemployed in positions assigned to the same classification as was last held prior to resignation.

ELIGIBLE - a person who has successfully completed all required examinations and may be considered for further selection, procedures or appointments.

EMPLOYEE - a person employed by Louisville Metro Government in Family Health Centers, Emergency Management Agency, Division Fire and Rescue, Police Department (except for officers, recruits or cadets), or the Louisville Metro Civil Service Board.

EMPLOYEE -- PROBATIONARY - an employee who has not completed their probationary period which shall not be less than six (6) months nor more than one (1) year in duration in a regular position except by approval of the Board.

EMPLOYEE -- REGULAR - an employee who has completed an original probation period.

EMPLOYEE -- TEMPORARY - an employee who is appointed for a specific and limited period of time not to exceed 90 days except by approval of the Board.

EQUIVALENT POSITION - a position of the same classification or the same minimum/maximum pay level.

EXHAUSTED - the state of an eligibility list when too few or no names remain on the list to provide the appointing authority with an adequate number for selection.

FINAL EARNED RATING - a numerical score achieved by a candidate on the combination of all numerically rated components of the total examination process.

FINAL FILING DEADLINE – means the final date on which applications for a classification will be received or as otherwise specifically defined by the Director for certain classifications.

JOB DESCRIPTION - a written statement of the essential functions, examples of work and qualification requirements that are assigned to a classification.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.1 (cont.)

=====

LAYOFF - a separation due to a decrease in funds, a decrease in workload or reorganization.

LEAVE OF ABSENCE - an approved absence from work.

OPEN CONTINUOUS – means the acceptance of applications for a classification which is difficult to establish a sufficient number of eligibles. There is no final filing date and examinations are given as needed.

PASSING POINT - a numerical point value set for an examination or a segment of an examination such that all scores equal to it or above it are considered to be successful in that portion of the examination and all scores below it are considered to be unsuccessful.

POSITION - a collection of duties and responsibilities, which may be performed by one person.

PROBATION PERIOD - the first six months to one year of employment during which an employee is required to demonstrate satisfactory performance of the duties of the position.

PROMOTION - the movement of an employee from one position to a position of another classification having a higher salary grade.

PROTECTED GROUP – means any group specified in and therefore protected by applicable anti-discrimination laws of the Federal Government, the Commonwealth of Kentucky, or Metro Louisville.

PUBLIC HEARING – means such as may be given after public notice of at least five days, so that any person or persons may have an opportunity to appear before the board and be heard on the matter involved. (KRS)

PUBLIC NOTICE - delivering written notice to each organization which has on file with the Board a request to be notified.

QUALIFICATIONS - the minimum requirements necessary to perform the work of positions assigned to a classification.

RANK – A candidates' numerical rating indicating where he/she stands in relation to all others who are on the eligibility list.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.1 (cont.)

=====

REASSIGNMENT - the movement of an employee, within the same department, from one position to another position of the same or similar salary grade.

RECLASSIFICATION – means the reassignment or change in the classification of a position to a higher or lower class on the basis of significant changes in the duties and responsibilities of such a position.

REEMPLOYMENT - the hiring of a former regular employee.

REINSTATEMENT (BOARD) - the reemployment of a former employee after review by the Board of an appeal of dismissal by the employee and findings and order of the Board directing reinstatement.

RESIGNATION - a voluntary separation.

SENIORITY - the status or priority given an employee based on length of service of the employee with the department or Metro Government, whichever is longer.

SEPARATION - the end of employment.

SUSPENSION - an involuntary leave of absence.

TIME IN GRADE – length of service in a specific classification.

TRANSFER – means a change by an employee from one position to another position within the same class.

VALIDATION - the establishment of a relationship between the use of selection procedure(s) and content and/or performance in the job.

WEIGHT - the relative value assigned to each numerically rated component of the examination process.

WORK DAY – means the equivalent of an 8-hour period.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.2

=====

GENERAL PROVISIONS

1.2 AUTHORITY

These are the rules and regulations of the Louisville Metro Civil Service Board, which is authorized under KRS 90.110 et. seq. to adopt rules governing the classification, qualification, examination, appointment, probation, promotion, demotion, transfer, reinstatement, suspension, fine and removal, recruitment, application, and disciplinary grievances of classified employees in the Family Health Centers, Emergency Management Agency, Division of Fire and Rescue, Police Department (except for officers, recruits and cadets), Public Works Department Metro Impoundment Facility and Civil Service Board.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.3

=====

1.3 PURPOSE

The Board intends these rules to guide personnel actions of the affected departments in a manner consistent with KRS 90.110 et. seq. (the “Act”) and generally accepted merit principles and concepts of sound Human Resources management.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.4

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1.4 SCOPE

- 1.4(1) The jurisdiction of the Board is limited to those matters contained in or authorized by these rules and regulations and the Act. The Board has no jurisdiction in any other personnel matters and recognizes that the Louisville Metro Personnel Policies Manual or appropriate collective bargaining agreements shall govern those issues.

The rules and regulations are not intended to create a contract for permanent or continuous employment. The Board reserves the right to change, modify, amend or repeal any rule within the guidelines established by these rules and regulations.

1.4(2) Office Administration

The Director shall have charge of the administration of the offices of the Board; such administration shall be consistent with the provisions of the Act, these Rules and policy determinations of the Board.

1.4(3) Duties of the Director

The Director shall, subject to the provisions of the Act and these Rules, and in conformance with general policies laid down by the Board, supervise and direct the work of the Board and the employees thereof; make such investigations as may be deemed desirable and report thereon to the Board; and discharge such other duties as the Board may require from time to time to assure the successful performance of the Board's duties in accordance with the law and these Rules. The Director is responsible for preparation of the budget and annual report.

1.4(4) Duties of the Chief Examiner

All examinations shall be under the direction of the Chief Examiner. The Chief Examiner is responsible for designating such persons and places for conducting examinations as required; selecting monitors for written examinations and selecting persons to conduct oral examinations or job simulations; determining, with approval of the Board, the values to be assigned to the various qualifying elements comprising the total grade; administering additional test components to the number of highest scoring candidates necessary to establish a proper eligibility list for anticipated vacancies to be filled; determining the most appropriate testing method for examinations; and performing other duties as the Board may prescribe.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.5

=====

1.5 POLICY OF NON-DISCRIMINATION

1.5(1) No person shall, in any way, be favored or discriminated against with respect to any personnel action under the authority of the Board, on the basis of race, color, sex (including sexual harassment), age, religious beliefs, national origin, physical or mental disability, or political opinion.

The Board adheres to the principles of equal employment opportunity and affirmative action as outlined in the Louisville Metro Personnel Policies Manual and the annual Affirmative Action Plan. Nothing in these rules or regulations shall be construed to supersede any applicable civil rights legislation or established objectives of the annual Louisville Metro Affirmative Action Plan.

If an employee or applicant has reason to believe that he or she has been subjected to discrimination on the basis of race, color, sex, age, religion, national origin or disability, he or she should bring the matter to the attention of the Affirmative Action Coordinator in the Human Resources Department, without delay.

If an employee or applicant has reason to believe that he or she has been subjected to discrimination on the basis of political opinion, he or she may appeal the matter to the Board. Such an appeal shall be in writing and shall be filed within 10 days of the alleged discriminatory action.

1.5(2) Disclosure of Religious or Political Affiliations

No question in any examination, or in any application form, or in any other proceedings of the Board, or of any appointing authority, shall be so framed to elicit information concerning political or religious opinions or affiliations of an applicant or classified employee. No appointment to or removal from a position in the classified service, or any change in status, shall be affected or influenced in any manner by any political or religious opinions or affiliations.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.6

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1.6 POLITICAL ACTIVITIES

1.6(1) Prohibited Activities

No person governed by these rules and regulations shall:

- (a) Directly or indirectly work, give, solicit, or receive or remit any assessment, subscription, or contribution to or for any political party or any candidate for public office.
- (b) Be a member of any campaign committee or governing committee of any political organization or an officer in either.
- (c) Be an election officer or work at the polls on election day.
- (d) Participate in the purgation or registration of voters.

1.6(2) Permitted Activities

Nothing contained in this rule shall be interpreted to prohibit a person governed by these rules from:

- (a) Casting his or her vote in any election.
- (b) Engaging in activities, in which the right to participate is specifically granted by KRS 95.017 which applies only to uniformed employees of the Division of Fire who are off-duty and out of uniform.

1.6(3) Penalty

Any such person found to be in violation of any portion of this rule, with the exception of section 1.6(1)(b), shall be summarily dismissed and shall not be employed under these rules for a period of one year thereafter; provided, however, that should the appointing authority fail or refuse to dismiss, the Board shall conduct a hearing which the accused person may attend with counsel; if the Board finds the accused guilty of violation of this rule, the Board shall dismiss the violator with a consequent one year disqualification. Such action of the Board is final. Any such person who shall be found in violation of section 1.6(1)(b) may be suspended but shall not be subject to the summary dismissal provisions of this rule. Any employee so suspended is entitled to a hearing as provided in these rules.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.7

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1.7 AMENDMENTS

1.7(1) The Rules shall be amended by the Board if and when necessary to clarify or improve the personnel operations of Civil Service in the following manner:

- (a) Give first reading of proposed Rule changes.
- (b) Give Public Notice of proposed Rule changes and dates of hearings in newspapers and on official bulletin boards.
- (c) Interested parties are afforded an opportunity to comment on the Rule changes.
- (d) Give second reading of proposed Rule changes.

1.7(2) Changes in grammar, spelling, punctuation, numbering and other such changes, which do not alter the substantive meaning of the rules, may be made by the Director of Civil Service. Notice of such changes shall be reported to the Board at its next regular meeting and announcement of the changes shall be distributed as provided in the definition of Public Notice.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 1.8

=====

1.8 EFFECT ON DECLARATION OF INVALIDITY

If any part of these rules is for any reason held to be invalid, such decision shall not affect the validity of the remaining parts of these rules. The Board declares that it would have passed these rules and each part irrespective of the fact that any part be declared invalid.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 2.1

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CIVIL SERVICE BOARD OPERATIONS

2.1 MEMBERSHIP

- 2.1(1) The Board is comprised of six (6) members, who are appointed by the Mayor and subject to the approval of Metro Council. The Mayor, or his or her designee, serves as an ex-officio member of the Board and is entitled to vote only in instances where a tie vote has occurred.
- 2.1(2) Each Board member must be a resident of Jefferson County and not related by blood or marriage to the Mayor or any other member of Metro Council.
- 2.1(3) Board members serve for terms of four years, except that appointments to fill vacancies within terms shall be made only for the unexpired period of the respective term.
- 2.1(4) Board members may be removed by resolution of Metro Council for neglect, incapacity, misfeasance, or violation of Rule 1.6.
- 2.1(5) During their term of service on the Board, members may not hold any other public office, appointive or elective.
- 2.1(6) Not more than three (3) members of the Board may be adherents of the same political party.
- 2.1(7) Board members, before beginning their terms, are required to subscribe, take and file an oath of office as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true as a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of Louisville Metro Civil Service Board Member according to law; and I do further solemnly swear that since the adoption of the present Constitution, I being a citizen of this state, have not fought a duel with deadly weapons within this state, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge nor aided or assisted any person thus offending, so help me God.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 2.2

=====

2.2 OFFICERS AND THEIR ELECTION

2.2(1) The officers of the Board shall be a Chairperson and a Vice-Chairperson

2.2(2) The Board shall elect its officers annually, at the regular meeting in July and at any other time there is a vacancy in one of the offices. The officers shall serve terms of one year until their successors are elected and qualified, or in the event of an election to fill an officer's unexpired term, for the duration of that term. The officers may be re-elected to these offices.

2.2(3) The duties of the Chairperson are as follows:

- * preside at meetings and hearings of the Board;
- * review and sign the minutes of the meeting;
- * monitor and evaluate the work of the Director of Civil Service in relation to covered employees, and report on such to the Board; and
- * represent the Board, when necessary.

2.2(4) The duty of the Vice-Chairperson is as follows:

- * serve as Chairperson in the absence or incapacity of the Chairperson.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 2.3

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2.3 MEETINGS

2.3(1) The Board shall meet at least once every month and such additional meetings as necessary.

2.3(2) Regular meetings of the Board shall be held at a place and time designated by the Board and shall be open to the public.

2.3(3) A special meeting of the Board may be called by either the Chairperson or by a majority of the members of the Board. Public notice of the special meeting shall state the date, time and place of the meeting, and what business will be considered. No other business except that stated in the notice shall be considered except by consent of the majority of the members present.

2.3(4) Quorum

(a) At least four board members must be present at meetings of the Board to constitute a quorum.

(b) Business may not be conducted at a meeting unless there is a quorum of the members of the Board present.

(c) In cases of discipline, four members of the board shall constitute a quorum. Matters of general policy shall require a concurring vote of four members of the board; otherwise, a simple majority of those present is determinative. In matters of appeals and grievances, upon a tie vote, the record of the hearing shall be transcribed and furnished to the Mayor and, thereafter, the Board shall reconvene for deliberation and a re-vote to resolve the matter. The Mayor, as ex-officio member, shall not have the right to vote except to break a tie.

2.3(5) Voting

A majority of Board members present and voting shall determine any question, provided that a quorum is present.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 2.3 (cont.)

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2.3(6) Minutes

The Director of Civil Service shall be responsible for preparing the minutes of all meetings of the Board. The minutes shall be submitted for approval at the next regular meeting of the Board. The minutes shall be signed by the Director of Civil Service and the Chairperson, or in the absence of the Chairperson, by the Vice-Chairperson. The minutes shall be open to public inspection immediately following the meeting of the Board at which they are approved.

2.3(7) Executive Session

The Board may retire into executive session at any time, subject to the provisions of the KRS, upon motion duly made and approved by a majority of members present, stating the purpose for the special meeting. Any action taken in regard to the matters discussed in the executive session must be affirmed in an open public session of the Board.

2.3(8) Parliamentary Procedure

In meetings, the Board shall be guided in its conduct by the KRS, these rules, Robert's Rules of Order and rulings of the presiding Officer. All Board Members, including the Chairperson, shall have a vote and each may have recorded in the minutes said individual's approval or dissent from any action of the Board together with the reason therefore.

2.3(9) Secretary

The Director of Civil Service or designee shall act as secretary for the Board and shall be responsible for:

- * attending meetings and hearings of the Board, serving as the Secretary of meetings;
- * issuing subpoenas and administering oaths at hearings;
- * enforcing and administering these rules;
- * preparing the Board's budget and submitting such;
- * hiring and directing any necessary staff; and
- * performing all other tasks normally arising from the administration of the rules and all other tasks assigned by the Board.

2.3(10) Reports to the Board

Each department director shall notify the Director of Civil Service, in writing, of all appointments, reclassifications, written disciplinary actions, transfers, reassignments, separations, vacancies and the creation and/or abolition of positions in the Classified Service.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 2.4

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2.4 RECORDS AND FILES

2.4(1) Unless otherwise provided for, all records and minutes of Board activities shall be considered public records.

2.4(2) Personnel Files

(a) The Director of Civil Service shall be the official records custodian and shall be responsible for maintaining and securing all Civil Service files.

(b) The provisions of the Louisville Metro Personnel Policies Manual relating to public records shall apply to the personnel files and employment records of covered employees.

(c) Records shall be preserved and/or destroyed based upon the current Civil Service record and retention schedule adopted by the Louisville Metro Civil Service Board.

2.4(3) Open Records Request

(a) All open records requests made upon the Louisville Metro Civil Service Board shall be directed to the Director of Civil Service at the Board's principle office, Room 301, 517 Court Place, Louisville, Kentucky 40202-3305.

(b) All open records requests must be made pursuant to the Open Records Act KRS 61.870 et. seq. established procedure for requesting records, enumerated in the Louisville Metro Personnel Policies Manual.

(c) In the event the requester desires to have photocopies made of Board public records or documents, the fee for such copying shall be determined by the Civil Service Director. All checks for photocopying shall be made payable to the Louisville/Jefferson Co. Metro Government.

(d) Nothing contained in this rule shall be constructed as an abrogation of the right of the Board to deny, in whole or in part, inspection of any record determined to be non-disclosable under the Open Records Act, KRS 61-870 et. seq. In the event of any such denial, the Board shall comply with the requirements of 61.880.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 2.4 (cont.)

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2.4(4) Change in Status Reports

Every appointment, transfer, promotion, demotion, change in salary rate, and any other temporary or permanent change in status of employees in the classified service shall be reported promptly by the appointing authority to the Director on such forms as the Director may prescribe. No appointment, promotion, demotion, dismissal or lay-off of a classified employee shall be recognized by the Director of Finance or by the Finance Officer of any agency not included in Metro Government, whose employees are classified subject to the provisions of KRS Chapter 90, unless the appointing authority's report of such action bears the certification of the Director or Officer that the action has been taken in accordance with the Act and these Rules.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 3.1

=====

POSITION CLASSIFICATION

3.1 GENERAL PROVISIONS

- 3.1(1) In all matters related to position classification, the Board shall have final authority.
- 3.1(2) The Director of Civil Service shall conduct or direct all job analysis studies necessary to include covered employees in Louisville Metro's Classification and Compensation Plan.
- 3.1(3) The provisions of the Louisville Metro Personnel Policies Manual relating to position classification shall apply to all covered employees. This includes the provisions on reclassification.
- 3.1(4) The Director of Civil Service shall notify the Board of any changes in the Classification and Compensation Plan at its regular meetings.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 3.2

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3.2 JOB DESCRIPTIONS

- 3.2(1) The Director of Civil Service shall be responsible for the preparation of job descriptions for each covered position.
- 3.2(2) The provisions of the Louisville Metro Policies Manual relating to job descriptions shall apply to all covered positions.
- 3.2(3) The Director of Civil Service shall notify the Board of changes in job descriptions at its regular meeting.
- 3.2(4) The Classification Plan may be amended in the same manner in which it was adopted originally, in a public hearing by the Board. Action leading to such amendment shall be in writing, and may be initiated by the Board, the Director, or an appointing authority.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 3.3

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3.3 USE OF CLASSIFICATION TITLES

3.3(1) The class title of a position shall be the official designation of that position in all budget documents, payroll registers, and all other official records, documents, vouchers, and communications in connection with all personnel processes and official records.

3.3(2) Working titles or informal titles may be assigned to positions at the discretion of the agency head. Such working titles shall only be used for the convenience of the department and shall not be given weight in the determination of the appropriate classification or salary range of a position.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 4.1

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APPLICATION AND SELECTION FOR EXAMINATION

4.1 RECRUITMENT

The Director of Civil Service shall determine appropriate procedures for recruitment of applicants, based on the number of qualified applicants needed and the principles of equal employment opportunity and affirmative action.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 4.2

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4.2 ANNOUNCEMENTS

- 4.2(1) Announcements of examinations shall be circulated according to procedures determined by the Director of Civil Service.
- 4.2(2) Announcement of a promotional examination shall be made at least ten (10) days prior to the administration of the examination.
- 4.2(3) The Director shall give public notice of all examinations pursuant to KRS 424 and by posting in or near the office of the Board.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 4.3

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APPLICATIONS

4.3(1) Application Forms

- (a) Applications shall be made only on forms approved by the Director.
- (b) Applications must be signed by the applicant. The applicant's signature shall be understood as certifying the truthfulness of all statements made on the application form.
- (c) The Director may require applicants to provide any and all proof necessary to support claims made on the application.
- (d) Applications shall not be distributed for any class unless an examination announcement has been issued for that class.

4.3(2) Qualifications of Applicants

- (a) Qualifications Contained on Job Descriptions
Applications shall be accepted only from persons who meet all qualifications contained on the job description for the class which has been approved by the Board.
- (b) General Qualifications
The Board shall provide for physical, mental, educational, citizenship, age requirements for new applicants as well as provisions for open competitive, written, oral, and other mental and physical examinations to determine the relative fitness of all candidates for original appointment.
- (c) Promotion
The Board shall provide for physical, mental, educational, citizenship, age, and length of service requirements for promotion from lower to higher classification.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 4.4

**4.4 DISQUALIFICATION OF APPLICANTS, ELIGIBLES AND
APPOINTEES**

4.4(1) The provisions of the Louisville Metro Personnel Policies Manual relating to applications and the disqualification of applicants shall apply to all covered positions.

4.4(2) The application of any applicant who makes a false statement regarding a police arrest or conviction record shall automatically be rejected. The Director may reject an application, may refuse to examine a candidate, may remove an eligible's name from the eligibility list, may refuse to certify the name of an eligible, and may seek to remove an employee already appointed, if it is found that the person:

- (a) Does not meet the minimum special or physical requirements (with reasonable accommodation where appropriate) for the position as announced.
- (b) Has made a false statement of material fact on the application.
- (c) Has used or attempted to use political pressure or bribery to secure an advantage in testing or appointment.
- (d) Has directly or indirectly solicited or obtained information regarding the examination to which the applicant was not entitled.
- (e) Has failed to submit the application correctly or within the prescribed time limits.
- (f) Has taken part in the compilation, administration, or correction of the examination for which the applicant has applied.
- (g) Has been found cheating in any way on an examination.
- (h) Has previously been dismissed from a position in the Classified Service for cause or has resigned while charges for dismissal for cause were pending.
- (i) Has been convicted of a felony or multiple misdemeanors.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 4.4 (cont.)

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- (j) Has established an unsatisfactory employment or personnel record, as evidenced by reference check of such nature as to indicate unsuitability for employment.
- (k) Has practiced or attempted to practice deception or fraud in making application or taking test.
- (l) Fails to notify the Board in writing of any change in address. For this purpose the return of a letter by the postal authorities, if properly addressed to the last address on the record, shall be deemed sufficient grounds for this action.
- (m) Fails to notify the Board of any change which would affect the eligible's availability for employment.
- (n) Requests removal from the list.
- (o) Fails to report for duty or scheduled selection procedures.
- (p) Resigns and the eligible's name appears on a Promotional Eligibility List. In the event of reemployment, said employee's name shall not be put back on the promotional list unless said employee has successfully passed a new promotional examination.
- (q) Refuses a job offer.
- (r) Fails to respond to any request for information from the Civil Service Department.
- (s) Waives certification more than once.
- (t) Is selected for a position from an eligibility list or their term of eligibility expires.
- (u) Has otherwise violated provisions of the Act or these Rules, or for such other reason considered by the Director to indicate that employment of the individual would be detrimental to the best interests of the Department.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 4.4 (cont.)

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- (v) Fails to verify any credentials required for a given position (e.g. education, licenses, certificates).
- (w) Has been certified for consideration for appointment three (3) times and has not been appointed. However, those eligibles with identical ranking certified three (3) times and not appointed will remain on the eligibility list if their failure to be appointed results from the fact that tied scores caused more than three (3) eligibles to be certified for a position.

4.4(3) Written notice of all such rejections or declinations, including the reason therefore, shall be furnished by the Director to the applicant upon request. Any applicant aggrieved by the action of the Director may request to address the Board by making such request in writing within ten (10) calendar days from the date disqualified.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 5.1

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EXAMINATIONS

5.1 CHARACTER OF EXAMINATIONS

Examinations shall be job related in character, practical in nature and relevant to those factors which test thoroughly the capabilities and qualifications of the applicant to discharge both proficiently and efficiently the duties of the classification. The design of examinations shall be guided by legal and professional standards.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

**NUMBER: 5.2
REVISED: 3/8/05**

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5.2 SCOPE OF EXAMINATIONS

- 5.2(1) In accordance with KRS 90.140(4), the board shall employ a chief examiner who shall be professionally qualified and experienced in the art of testing and who shall formulate, give, grade, and retain control of, all written tests as required by the board, and said chief examiner shall report to the board the results of all tests given and shall be solely responsible to the board. The job of personnel director may not be combined with the job of chief examiner. The chief examiner shall be responsible only to the civil service board and shall perform such other duties as the board may require.
- 5.2(2) All examinations shall be under the direction of the Chief Examiner, shall be job related in character, and related to those matters tending fairly to test the capacity and qualifications of the applicant to discharge proficiently the duties of the positions to which appointment is sought. Examinations may consist of any one or a combination of the following: written tests, selection interviews, assessment centers, physical fitness or ability tests, medical examinations, stress tests, demonstration of manual or performance skills, experience, training, or any other selection method deemed appropriate.
- 5.2(3) As far as practical and feasible, vacancies in the classified service shall be filled by promotion of regular employees occupying positions in the classified service. The Chief Examiner shall hold promotional examinations, which shall be opened exclusively within a department or metro-wide. With the approval of the Board, departmental examinations may be waived in the case where peculiar and exceptional qualifications are required.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 5.3

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5.3 ADMISSION TO EXAMINATIONS

Only persons who have met all qualifications and whose applications are submitted and accepted in accordance with filing deadlines shall be admitted to participate in the examination.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 5.4

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5.4 ADMINISTRATION

- 5.4(1) The Chief Examiner shall be responsible for overseeing the formulation, grading, administration, integrity and security of all examinations.
- 5.4(2) No applicant shall be allowed to take an examination other than at the time and place designated for such in advance, unless there are conditions which, in the opinion of the Chief Examiner, justify otherwise.
- 5.4(3) Except as provided in 5.5(3), all examination materials shall be guarded as privileged and confidential and not available for public inspection. Any covered employee of the Board or Board member who engages in an activity which destroys the integrity, confidentiality, or security of the examination process shall be subject to immediate dismissal or removal, and, if warranted, prosecution.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 5.5

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5.5 PROMOTIONAL EXAMINATIONS

5.5(1) Waiver

Upon approval by the Chief Examiner, promotional examinations may be waived by the appointing authority or designee in the event there are less than three qualified applicants. Candidates will be placed on the eligibility list in order of length of service. Such a waiver shall not be granted until after the application period for the position has closed.

5.5(2) Notice

Notice of promotional examinations shall be posted at least ten days before the examination is administered.

5.5(3) The Director of Civil Service or the Chief Examiner shall be responsible for the compilation of the grades of all candidates, based upon established percentages, and shall individually notify, in writing, each participant in the examination of their score. Upon request, candidates may examine their own scoring cards or sheets in the Civil Service Department during hours established for that purpose by the Chief Examiner.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 5.6

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5.6 STRESS AND MEDICAL EXAMINATIONS

5.6(1) The Civil Service Board shall employ one or more medical examiners to conduct stress and medical examinations for classifications requiring medical and physical standards.

5.7(2) Performance on the stress and medical examinations shall be reported on a pass/fail basis.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 5.7

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5.7 ERRORS IN GRADING

Errors in grading an examination shall be corrected when they are discovered, as well as any error made in an eligibility list as a result; however, any such error shall not invalidate any appointment made prior to the discovery of the error. The Board may take such action as necessary to correct errors in grading.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 5.8

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5.8 POSTPONEMENT OR CANCELLATION

5.8(1) The Chief Examiner, when necessary, may postpone or cancel an examination.

5.8(2) All applicants scheduled to take an examination that is cancelled or postponed shall be given notice of such cancellation or postponement.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 5.9

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5.9 PASSING POINT SCORES

The passing point score for any examination shall be made by the Chief Examiner based on appropriate legal guidelines.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 5.10

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5.10 NOTICE OF TEST RESULTS

All applicants who complete an examination shall be notified in writing of their final earned rating and ranking on the appropriate eligibility list.

Any person may, by appointment, discuss his/her examination results within the offices of the Chief Examiner during business hours at any time when such review will not interfere with the work of the Board. Such review must be requested within 10 calendar days following the establishment of the eligibility list.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 5.11

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5.11 RATING OF EXAMINATIONS

- 5.11(1) Prior to the scheduling of an examination, the Chief Examiner shall determine, with the approval of the Board, the weights to be assigned to the various qualifying elements comprising the total grade or rating through which an applicant may earn placement on the eligibility list. Such weights shall apply to subsequent examinations for the same classification, unless changed with the approval of the Board. Failure in one phase of an examination shall be grounds for the applicant's failing the entire examination. A scaled score of 70 shall be the minimum rating through which eligibility on an employment list may be earned. This score shall be derived by equating the cut off point to a score of 70 and the highest possible score to 100. All other raw scores between these two scores shall be converted to the scale in even increments.
- 5.11(2) On every competitive promotional and original appointment list, the eligibles shall be ranked in the order of their ratings earned in the examination given for the purpose of establishing the list. When it is necessary to certify the rank consisting of tied scores, all candidates having tied scores shall be certified. The Chief Examiner may determine that ratings earned in the examination process shall be divided into bands. All scores falling within a given band shall be considered tied.
- 5.11(3) Any applicant who has been injured in the line of duty while performing duties as a sworn employee of the Police or Fire Division will be placed at the top of the original appointment eligibility list for the classification for which application has been submitted. Applicants are entitled to utilize this provision only until appointed back into the service as a result of this rule. The applicant must furnish to the Director, on or before the date of the establishment of the appropriate eligibility list, a written statement that this provision be applied for his/her benefit; the applicant must also provide a statement from the Division that he/she was pensioned due to injury while engaged in the line of duty. All applicants must:
- (a) Meet all of the minimum requirements for the position.
 - (b) Have passed all of the components of the examination and be placed on the eligibility list.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 5.11 (cont.)

- (c) Have been an employee of the sworn services of the Metro Police or Fire Division.
- (d) Have been placed on a pension due to injury.
- (e) Be applying for a position in the civilian service of Louisville Metro in the division from which he/she was retired.
- (f) Have been injured while engaged in the line of duty.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 6.1

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ELIGIBILITY LISTS

6.1 GENERAL PROVISIONS

- 6.1(1) The Director of Civil Service shall be responsible for the preparation of all eligibility lists following the completion of all required numerically rated examinations for a classification.
- 6.1(2) The eligibility list shall show the name of each eligible in order of final standing in the examination process. The eligibility list shall also provide for notation of each certification, date of appointment, and such other information, as may be determined necessary by the Director of Civil Service.
- 6.1(3) The eligibility lists shall be maintained in the office of the Board and may be reviewed as outlined in the open records act.
- 6.1(4) In the event a candidate's name is placed on an eligibility list and the candidate changes address of residence, the candidate shall notify the Director of Civil Service at once, giving the new address.
- 6.1(5) Each eligibility list, unless otherwise stipulated through Board action, shall remain in force until exhausted or until replaced by a more recently prepared list, but in no event beyond two years from the date of its establishment. It shall be the policy of the Board to establish new eligibility lists in each classification as needed.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 6.2

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6.2 OPEN COMPETITIVE ELIGIBILITY LISTS

6.2(1) Open competitive eligibility lists contain the names of persons who are qualified for further selection procedures or appointment as a result of open competitive, numerically-rated examinations for positions assigned to the classification covered by the list. This type of list shall be effective for six (6) months, unless otherwise directed by the Director.

6.2(2) The names of all persons who have obtained a score, which is equal to or greater than the passing point score in the examination, shall be placed in rank order on the eligibility list for the classification for which they were examined.

6.2(3) If there are three (3) or fewer names on the appropriate eligibility list, the Director may declare the list depleted and proceed in having a new list established.

(a) All eligibles whose names are on the existing list shall be notified of the new examination and shall be granted the option of either retaining their present score or taking the examination.

(b) When an eligible elects to not take the new examination, the eligible's name, with existing rating, shall be integrated into the new list in rank order and shall remain on the list only as long as the eligible's name would have remained on the original list.

(c) When an eligible elects to take the new examination, the eligible's name shall be placed on the eligibility list with the score attained on the new examination; that name shall remain on the list for as long as the new list shall be effective. The names of new eligibles will be integrated in rank order with the existing names on the list.

(d) Eligibles who elect to take the new examination and fail shall have their name removed from the original eligibility list.

(e) If replenishing a list requires a new type of examination, different minimum qualifications or different examination weights, all applicants will be required to take the new test in order to be placed on the replenished list.

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6.3 PROMOTIONAL ELIGIBILITY LISTS

- 6.3(1) Promotional eligibility lists contain the names of Louisville Metro employees who have completed all numerically-rated promotional examinations, and who are eligible for promotions to positions assigned to the classification covered by the list.
- 6.3(2) The names of all persons who have obtained a passing score, shall be placed on the eligibility list for the classification for which they were examined in the order of their final earned rating.
- 6.3(3) No promotional eligibility list for uniform personnel shall be integrated with the previous list except on the joint recommendation of the Director and the Chief Examiner, and approved by the Board. However, promotional eligibility lists for Civilian personnel may be integrated on the joint recommendation of the Director and the Chief Examiner, without approval by the Board as long as it is done to provide the Department with enough candidates to fill their vacancies. The number of names needed to fill vacancies is two more than the actual number of appointments to be made.
- 6.3(4) Promotional eligibility lists can be opened exclusively within a department or metro-wide.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 6.4

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6.4 REEMPLOYMENT ELIGIBILITY LISTS

- 6.4(1) Reemployment eligibility lists contain the names of former employees in the Classified Service who resigned in good standing and who requested to be placed on the reemployment eligibility list, and are approved by the appointing authority and the Board as eligible to be reemployed in positions assigned to any class in which the former employee held an appointment.
- 6.4(2) The order in which such names are arranged on the reemployment list shall be determined by the Director, in accordance with the length of previous service while in the classified service of the department. No name shall remain on the reemployment list for a period longer than two years. Employees appointed from the reemployment list shall have a one (1) year probationary period and may attain regular employee status at its satisfactory conclusion.
- 6.4(3) Reemployment eligibility lists shall have a continuous life with the name of each eligible remaining on the list for a period of one year from the date of placement on the list.
- 6.4(4) In order to be placed on a reemployment eligibility list, a former employee must apply for placement on the list within one year of separation from the service. Requests for inclusion on the list must be submitted in writing to the Director and approved by the Chief and the Board.
- 6.4(5) In cases where more than one year has elapsed since an employee's resignation, he/she may have his/her name placed on the reemployment list for certification to a vacancy in the classified service provided the former employee can present the Director with an endorsement of such reinstatement from the current appointing authority of the classified service from which he or she resigns, or by which he/she seeks reemployment, and providing that the Director is given satisfactory assurance that said former employee will be physically capable of reemployment.
- 6.4(6) In cases where charges are pending against the resigned employee, his/her name shall not be placed on a reemployment list until after such charges have been disposed of.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 6.4 (cont.)

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- 6.4(7) For the purpose of certification under Rule 7.2, reemployment appointments shall be regarded as open competitive.
- 6.4(8) An employee who, having been retired on physical disability by a pension Board, is later recommended by said pension Board's medical examiner as able to return to the position formerly held, shall, with the approval of the Board, be placed on the reemployment list for the appropriate classification and referred when vacancies exist and the appointment is to be made from the reemployment eligibility list.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 6.5

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6.5 PREFERRED REEMPLOYMENT ELIGIBILITY LISTS

- 6.5(1) An employee in the classified service who, at the time of lay-off, is recommended for reemployment by the appointing authority, is entitled to placement on a preferred reemployment list for certification to vacancies in the classified service. The name of the person shall be placed on the preferred reemployment list for the classification formerly held.
- 6.5(2) The order in which such names are arranged on the preferred reemployment list shall be the order of seniority in the classification affected. The preferred reemployment list shall remain in effect until exhausted, but not longer than two years. In the event of the expiration of such a list, candidates wishing to remain eligible for preferred reemployment consideration may again apply. The name of any person refusing reemployment within the classification from which he was laid-off shall be stricken from the list. If the lay-off occurs during the employee's probationary period, the probationary period will begin anew upon reinstatement.
- 6.5(3) When the appointing authority does not recommend an affected employee for reemployment, it shall notify that employee and the Board of the specific reasons therefore, in writing. The employee shall be entitled to a public hearing by the Board by submitting a written request within ten (10) calendar days of notification of this action. The employee shall have the right to introduce evidence and to be represented by counsel at this hearing.
- 6.5(4) The Board shall investigate and determine the justification for such proceedings, including the evidence presented. Copies of the Board's findings of fact and order shall be given to the Mayor, the appointing authority and the affected employee.
- 6.5(5) If the failure of the appointing authority to recommend the laid-off employee for reemployment is found not to have been justified, the Board's order shall so state and the employee shall be placed on a preferred reemployment list for certification to vacancies in the classified service.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 6.5 (cont.)

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- 6.5(6) Any employee in the classified service who is drafted or volunteers for military service but is not entitled to military leave, shall upon written request made within ninety (90) days after termination of such military service, be entitled to placement on a preferred reemployment list, if the Board, on the recommendation of its medical examiner, finds such person physically capable of performing the duties of the position to be assigned.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 6.6

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6.6 METRO PREFERRED REEMPLOYMENT LIST

6.6(1) Any employee of Louisville Metro who, at the time of lay-off, is recommended for reemployment by the appointing authority, is entitled to placement on a Metro Preferred reemployment list for certification to vacancies in the classified service provided he/she requests such of the Director, in writing, within ninety (90) days of his/her lay-off. The person may apply for placement on the Metro Preferred Reemployment List for any positions for which the person meets the minimum qualifications. The Metro Preferred Reemployment List shall remain in effect until exhausted, but not longer than two (2) years.

6.6(2) Persons placed on the Metro Preferred Reemployment List shall be ranked by the Director based on their merit and fitness as appropriate to applicable positions. No name shall remain on the Metro Preferred List for a period longer than two years. Employees appointed from either the Reemployment List or the Metro Preferred Reemployment List shall serve a six (6) month probationary period and may attain regular classified employee status at its satisfactory conclusion.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 6.7

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**6.7 REMOVAL OF NAMES FROM ELIGIBILITY LIST AND
DISQUALIFICATION OF APPLICANTS**

6.7(1) See Rule 4.4 Disqualification of Applicants, Eligibles and Appointees for a list of reasons to remove a name from an eligibility list.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 7.1

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APPOINTMENTS

7.1 REQUISITIONS

7.1(1) Whenever an appointing authority desires to fill a vacancy in a position in the classified service, notification shall be submitted to the Director on a form prescribed by the Board. The form shall include the title of the position and such other pertinent information as the Director may reasonably require.

7.1(2) Whenever practical, it shall be submitted not less than thirty (30) days before the date the vacancy is to be filled.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 7.2

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CERTIFICATION

7.2(1) General Provisions

After receipt of the requisition form and upon completion of final earned ratings for all required numerically-rated examinations, the Director shall certify to the appointing authority the list of eligibles prepared for the class to which the position to be filled is assigned.

7.2(2) The Director shall certify as soon as possible, the names of the persons with the top three (3) scores on the appropriate eligibility list.

7.2(3) When multiple appointments in the same agency class are to be made, the director shall certify to the appointing authority, three (3) times the number of eligibles as appointments to be made.

7.2(4) A certification of a list of eligibles to fill any number of vacancies in a class at the same time shall be considered a single certification for each eligible regardless of the number of vacancies to be filled.

7.2(5) Each person certified to the appointing authority shall be notified by the Director, in writing, at the address provided by the applicant. In the event any of the applicants so notified shall fail to report for the interview with the appointing authority as scheduled, the Director shall certify an additional name to the appointing authority.

7.2(6) The appointing authority, after conducting such interviews deemed desirable, shall appoint one or more of the persons certified. However, if fewer than three (3) persons are certified, the appointing authority may choose to make an emergency appointment. See section 7.3(7) on Emergency Appointment.

7.2(7) If an applicant accepts an appointment and fails to be present at the time specified by the appointing authority, the applicant shall be deemed to have declined the appointment unless evidence of an acceptable reason for the delay is submitted immediately.

7.2(8) Tied Scores and Banding:

When candidates on eligibility lists have the same score, they are considered tied. When it is necessary to certify the rank consisting of tied scores, all candidates having tied scores shall be certified. Another instance of tied scores is a band. A

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 7.2 (cont.)

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“band” is a range of scores that are statistically equivalent and are established based on statistical properties of the distribution of examination scores. The statistical properties allow the test developers to say with a certain level of confidence, that scores within a range do not differ. All scores falling within a given band are considered tied and shall be certified at the same time.

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TYPES OF APPOINTMENTS

7.3(1) General Provisions

All vacancies in the classified service shall be filled by original appointment, reemployment, preferred reemployment, metro preferred reemployment, promotion, transfer, demotion, qualifying appointment, or emergency appointment. The Director may advise the appointing authority as to which of these methods may be appropriate in each instance. In cases of disagreement between the Director and the appointing authority, the final decision shall be left with the Board.

7.3(2) Original Appointment

All original appointments shall be made from the appropriate eligibility list, with names being certified to the appointing authority in rank order.

7.3(3) Preferred Reemployment

The names of classified employees laid-off or demoted voluntarily in lieu of lay-off shall be placed on the appropriate preferred reemployment eligibility list in order of layoff ratings. All preferred reemployment list eligibles shall be certified for appointment consideration prior to any other eligibles.

7.3(4) Metro Preferred Reemployment

The names of non-classified employees laid-off or demoted voluntarily in lieu of layoff shall be placed on the Metro Preferred Reemployment List ranked by the Director based on their merit and fitness as appropriate to applicable positions.

7.3(5) Reemployment

Any employee in the classified service who resigns is entitled to have his/her name placed on a reemployment list. Whenever an appointment is to be made from a reemployment list, the Director shall certify to the appointing authority the names of the three persons ranking highest on the appropriate reemployment list, if any. If there are less than three names on the reemployment list, the entire list shall be certified.

7.3(6) Promotional Appointment

Whenever a promotional appointment within the agency is to be made, the Director, as soon as possible, shall certify to the appointing authority the names of the three highest ranks on the appropriate eligibility list. If there are fewer than

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

**NUMBER: 7.3 (cont.)
EFFECTIVE DATE:
REVISED: 7/12/05**

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three names on the list, the entire list shall be certified. No promotional eligibility list for uniform personnel shall be integrated with the previous list except on the joint recommendation of the Director and the Chief Examiner, and approved by the Board. However, promotional eligibility lists for civilian personnel may be integrated on the joint recommendation of the Director and the Chief Examiner without approval by the Board as long as it is done to provide the Department with enough candidates to fill their vacancies. The number of names needed to fill vacancies is two more than the actual number of appointments to be made.

In making certification for multiple appointments in the same classification, the number of names to be certified to the appointing authority shall be two more than the actual number of appointments to be made.

7.3(7) Emergency Appointment

There shall be no emergency appointment to any position in the classified service whenever there are at least three (3) persons eligible for appointment on the appropriate eligibility list. Whenever there are documented reasons considered urgent by the Director for filling a position and it is not possible to certify at least three eligible persons for appointment, the appointing authority may choose to make an emergency appointment. Each emergency appointment shall be reported immediately to Louisville Metro Civil Service on the form provided by the Director. The emergency appointee may be appointed to fill the existing vacancy pending establishment of an appropriate eligibility list. An emergency appointment shall not continue more than ninety (90) calendar days in any one fiscal year except by approval of the Board.

A probationary appointment may not be given to a person holding an emergency appointment unless such person's score on the competitive examination for the position ranks within the top three (3) on the eligibility list.

7.3(8) Temporary Appointment

When a regular employee finds it necessary to take a leave of absence and the employee's duties cannot be efficiently absorbed by existing employees, an employee may be hired pending the return of the regular employee. The temporary employee must meet all of the requirements for the position and be certified from the eligibility list. Temporary employees do not accrue vacation, sick leave, or holidays.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 8.1

=====

PROBATION

8.1 OBJECTIVE OF THE PROBATIONARY PERIOD

The probationary period shall be used as an opportunity to observe and apprise the newly-appointed or newly-promoted employee's work, to aid the employee in adjusting to the new position, and to take appropriate action to remove from the position any employee whose work performance fails to meet required standards.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 8.2

=====

8.2 REGULAR APPOINTMENT FOLLOWING PROBATIONARY PERIOD

- 8.2(1) All original appointments to the position of Fire Fighter and all promotional appointments to positions in the uniform services of the Fire Division shall have a probationary period of twelve (12) months. All other appointments shall have a probationary period of six (6) months, unless specific recommendations for a different period have been made by and authorized by the Board.
- 8.2(2) An extension of a six (6) month probationary period for up to an additional six (6) months may be requested by the appointing authority and shall be granted if approved by the Board. In no event shall the probationary period exceed twelve (12) months. Employees appointed from reemployment lists shall have a six (6) month probationary period and may attain regular employee status at its satisfactory conclusion.
- 8.2(3) At the conclusion of the probationary period, the appointing authority shall file a written statement to the Director, on the form prescribed by the Board, that the services of the employee during the probationary period have been satisfactory and that regular employee status is recommended. Upon receipt by the Director of the performance appraisal, said employee will be deemed to have received a regular employee status by the Board.
- 8.2(4) Any employee kept on the rolls for longer than the probationary period without the approval of the Board, who, upon dismissal, requests a hearing before the Board, shall be granted such hearing in the same manner as if the probationary period had been completed and there had been certification as a regular employee. Whenever the written statement of the reasons for dismissal, suspension, or demotion is filed with the Board after the end of the probationary period, said suspension, dismissal, or demotion shall be treated as that of a regular employee.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 8.3

=====

8.3 DISMISSALS DURING THE PROBATIONARY PERIOD

- 8.3(1) During the probationary period an employee may be dismissed by the appointing authority without the right of a review by the Board.
- 8.3(2) The Director may investigate the circumstances surrounding the dismissal of a probationary employee in order to determine whether, in the Board's sole discretion, such person's name should be restored to the eligibility list from which certification was made, if the list is still active. The name of any person dismissed during the probationary period may, with the consent of the Board, be restored by the Director to its proper place on the eligibility list. Provided the name of any person twice dismissed during the probationary period shall not be restored to any eligibility list.
- 8.3(3) Any employee demoted during a promotional probationary period for other than disciplinary reasons shall be reinstated within five (5) days to the position from which promotion was granted even if lay-off of an employee currently occupying the former position is necessary.
- 8.3(4) The demoted employee shall not be entitled to appeal said demotion. However, any employee dismissed during a promotional probationary period shall be entitled to a hearing at which time it shall be determined whether said employee's conduct or performance would warrant a dismissal as well from the position from which said employee was promoted.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 9.1

=====

PROCEDURES ON DISMISSALS, SUSPENSIONS, AND APPEALS

9.1 GENERAL PROVISIONS

The provisions of the Louisville Metro Personnel Policies Manual relating to reasons for discipline, authority to discipline, procedures for effecting discipline, types of discipline and suspensions pending investigations and criminal charges shall apply.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 9.2

=====

9.2 DISCIPLINARY ACTIONS; APPEALS

- 9.2(1) An appointing authority may, at any time, for just cause which will promote the efficiency of the service, discipline an employee in any appropriate manner, which may include an oral or written reprimand, suspension for a reasonable period not to exceed thirty (30) work days, dismissal or demotion. Any regular employee suspended for more than thirty (30) work days in any one (1) year period is automatically dismissed. The appointing authority, on or before the effective date of such disciplinary action, shall file with the Board a written statement setting forth the time and date such action will take effect and the specific reasons for the action.
- 9.2(2) A regular employee shall be entitled to a public hearing before the Board where such employee has been:
- (a) Suspended for a period exceeding ten (10) work days.
 - (b) Suspended for a period of fewer than ten (10) work days if such suspension ultimately proves to be a factor in an automatic dismissal based on the fact that the employee has been suspended in excess of thirty (30) work days within a one-year period.
 - (c) Dismissed.
 - (d) Demoted, if such employee has satisfactorily completed the probationary period for the position from which he/she is demoted.
- 9.2(3) Counseling letters, warnings, reprimands and suspensions of ten (10) days or less are not appealable to the Board. An employee who has received a counseling letter, warning, reprimand or suspension of ten (10) days or less may appeal through the grievance mechanism established in the Louisville Metro Personnel Policy Manual or their collective bargaining agreement.
- 9.2(4) No employee shall be entitled to a public hearing before the Board except upon written demand made and submitted to the Board by such employee within ten (10) calendar days after the action appealed from becomes effective.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 9.2 (cont.)

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- 9.2(5) Employees are entitled to be represented by counsel and may introduce evidence at hearings authorized by this Rule. An employee who submits an appeal for Board review of a disciplinary action shall be provided a copy of the Hearing Procedures of the Board, which shall govern all hearings conducted by the Board.
- 9.2(6) Requests for hearings shall be placed on the agenda for the next regular board meeting at which time hearings will be scheduled, provided the employee or his/her attorney is present. The failure of an employee or his/her attorney to be present to obtain a hearing date may be grounds for dismissal of an appeal.
- 9.2(7) The Board may adopt rules, regulations and procedures for the conduct of hearings held pursuant to this rule.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 10.1

=====

LEAVES OF ABSENCE

10.1 GENERAL PROVISIONS

Employees will be governed by the Policies Manual of Louisville Metro Government in matters regarding vacation, sick leave, funeral leave, holidays and leave without pay or by employees' appointing authority.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 10.2

10.2 MILITARY LEAVE

Regular employees in the classified service who leave to serve in the Armed Forces of the United States shall be deemed to be on a leave of absence for a period up to four (4) years unless such Armed Forces shall require involuntary service for a longer period of time, in which case the leave shall be extended for such involuntary period. Upon termination of service with the Armed Forces, the regular employee shall be reinstated without competitive examination to the position held at the time of the commencement of such leave of absence, provided such employee makes written application to the Director for such reinstatement within the time frame provided under Federal Law, and provided further, that the Board, on the recommendation of its medical examiner, shall find the applicant physically capable of performing the duties which would be assigned upon reinstatement. Nothing in the above shall be construed as granting a leave of absence to any regular employee who resigns from the classified service in order to take civilian employment whether such employment be in the nature of national defense work or not. Regular employees who are required to volunteer to take periodic training in either the Reserves or National Guard may be granted leave for the duration of the training period not to exceed ten (10) working days in any twelve-month period without loss of pay, regular leave, or any other rights or benefits to which they are entitled as employees.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 10.3

=====

10.3 LEAVE WITHOUT PAY

10.3(1) An appointing authority, with the approval of the Board, may grant to any regular or probationary employee, a personal leave of absence without pay for a period not to exceed ninety (90) calendar days. However, in unusual cases, the appointing authority, with the approval of the Board, may extend such leave of absence. In no event may an employee continue in an unpaid leave of absence status for a period longer than two (2) years.

10.3(2) Employees on unpaid leave of absence will continue to accrue regular benefits only as authorized by Louisville Metro Government Personnel Policies, by their appointing authorities, or as provided for in a collective bargaining agreement.

10.3(3) The Director may periodically require that an employee on a medical leave submit a certificate from an attending physician supporting the need for such leave. Failure to submit a certificate confirming illness or disability may cancel such leave of absence.

10.3(4) Upon the expiration of such leave of absence, the employee shall be reinstated to the position which the employee occupied at the time the leave was granted, or to a similar position in the same class. If no such position exists, the employee shall be reinstated to a position in the next most similar class, in a position which is not higher in class or rank, or to the next lowest available class for which the employee is qualified. Failure of an employee to report for duty promptly at the expiration of the leave of absence shall be just cause for the appointing authority to terminate the service of the employee.

10.3(5) An appointing authority, with the approval of the Board, may grant to any regular or probationary employee, a leave of absence without pay pursuant to any reason set forth in a collective bargaining agreement to which the Louisville Metro Government is a party for a period of time not to exceed that specified period set forth in the applicable bargaining agreement.

10.3(6) Except as where prohibited by or otherwise set forth in an applicable collective bargaining agreement, the appointing authority, if necessary to the efficient conduct of the business or agency served, and after approval of the Board, may notify the employee on leave to return prior to the expiration of leave. Should the employee fail to return in a reasonable length of time after such notification, the appointing authority may declare

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 10.3 (cont.)

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the position vacant and proceed to fill it as prescribed in these rules for filling vacant positions.

- 10.3(7) Any employee in the classified service of the Louisville Metro Government who shall accept an appointment and qualify for a position in the Louisville Metro Government not included within the classified service shall apply for a leave of absence from the classified service. Should any such employee cease to serve as such, he shall be restored to the same classification and rank held prior to said appointment and the time served under such appointment shall be credited to seniority in his permanent classification and rank within the classified service.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 10.4

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10.4 PROCEDURE FOR GRANTING LEAVES

Requests for military leave and leave without pay shall be made in writing to the appointing authority by the employee sufficiently in advance of the desired commencement date to permit the appointing authority to make arrangements to absorb the work of the employee during the period of leave. The appointing authority shall immediately report such request to the Board for approval or disapproval. The appointing authority, in making an appointment to fill a vacancy created by the granting of such leave of absence, shall notify the new employee in writing, that the position will revert to the previous incumbent upon their return from leave. Any person on leave of absence from a position in the classified service for any reason is bound by the Rules of the Board in the same manner as if the affected employee were serving in a classified position. Any employee who violates any of such Rules while on leave of absence forfeits his or her right to reinstatement and subjects himself or herself to applicable penalties under the Act.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 11.1

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LAY-OFF

11.1 LAY-OFF PROCEDURE

11.1(1) An appointing authority may lay-off a classified employee whenever it is deemed necessary due to material change in duties, workload, or shortage of work funds. The appointing authority shall, before the effective date of such lay-off, advise the Director of the classifications which are subject to lay-off and the reasons therefor, as well as any adverse impact which such lay-offs may have on any protected group. In the event there is adverse impact, the appointing authority shall provide the Director with a complete explanation of the necessity of selecting these classifications instead of others. "Adverse Impact", as referred to in this section, shall be found to exist where the rate or method of selection of employees for lay-off works to the disadvantage of members of a protected group.

11.1(2) Lay-offs shall be made on the basis of seniority as determined by the length of continuous service within the classification (or higher classifications) subject to reduction in force. Continuous service shall include:

- (a) Service which has not been interrupted by a voluntary resignation, dismissal, demotion, or lay-off.
- (b) Leave of absence for reasons set forth in a collective bargaining agreement to which the Louisville Metro Government is a party, military leave, leaves with pay, and indefinite leaves to fill an unclassified position in the department or agency.
- (c) An employee laid-off shall be reinstated to the last position held in the classified service in the affected department or agency if such position is budgeted, even though the lay-off of another employee in that classification is thereby required. Lay-offs resulting from such reinstatements shall be made in the same manner as any other reduction in force. Reinstatement of such an employee to the position last held will be so based upon seniority appropriate to that classification (or higher classifications).
- (d) The names of employees who have been laid-off shall, if recommended by the appointing authority, be placed on the appropriate preferred reemployment list in order of their seniority in the affected classification, the most senior first. The name of any

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 11.1 (cont.)

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persons refusing employment within the classification from which they were laid-off shall be stricken from the preferred reemployment list. Employees on the preferred reemployment list may be certified for appointment in any department or agency under the classified service; they shall be given preference in order of their rank upon the list whenever a vacancy for which they are qualified occurs within the department or agency from which they were laid-off. In positions for which physical condition is a qualifying factor, appointment from the reemployment list shall be contingent upon physical fitness. All persons on the respective preferred reemployment lists must be referred for reemployment consideration before new hires or promotions may be made.

- (e) Notwithstanding any of the above to the contrary,
 - (i) lay-offs of full-time employees within a classification shall be made only after laying-off all part-time probationary, seasonal and temporary employees. Probationary employees reinstated from a preferred reemployment list must begin their probationary periods anew.
 - (ii) Any conflict in order of lay-off between these rules and an applicable collective bargaining agreement shall be resolved in favor of the collective bargaining agreement.
 - (f) Any regular employee who is laid-off may appeal to the Board, within ten (10) calendar days.
- 11.1(3) The Preferred Reemployment List, on which classified employees shall be listed in inverse order of seniority, shall be established for all subject classifications. The lists shall be posted at Board offices.
- 11.1(4) Metro Preferred Reemployment Lists, on which non-classified employees shall be ranked by the Director based on their merit and fitness as appropriate to applicable positions, shall be established for use in hiring into the classified service.

RESIGNATION

12.1 GENERAL PROVISIONS

12.1(1) The department director shall report to the Director of Civil Service the name of any employee who resigns from a covered position and whether or not the employee resigned in good standing.

12.1(2) Persons who resign in good standing may request that the Board place their names on the reemployment eligibility list.

**LOUISVILLE METRO
CIVIL SERVICE BOARD
RULES AND REGULATIONS**

NUMBER: 12.2

12.2 MANDATORY RETIREMENT AGE

12.2(1) For the purpose of enhancing public safety the mandatory retirement age for Fire Division employees covered by the Fire Pension Fund shall be age sixty-two (62) or as otherwise may be provided by ordinance of the Louisville Metro Government.

12.2(2) Anyone who has reached the age of mandatory retirement has the option of applying for exemption on the basis that he/she continues to be physically capable of performing the duties of their position. Such application shall be made to the Louisville Civil Service Board at least 30 days before they reach the age of mandatory retirement. The staff of Civil Service will schedule a medical examination along with a stress test to determine if the employee is still physically capable of performing his/her duties. If the employee is found to be physically capable, compulsory retirement shall be postponed for a period of 1 year, upon which time the employee may reapply for exemption from compulsory retirement under the same conditions mentioned above. In no event shall exemption from compulsory retirement be granted beyond the age of 70 years.

SERVICE RATINGS

13.1 USE OF SERVICE RATINGS

13.1(1) Service ratings shall be obtained from the appointing authority for all probationary employees prior to the end of their probationary period and for all regular employees in the classified service on an annual basis. Such evaluation shall be considered in determining salary adjustments as well as the advisability of transfer, advancements, demotion, or dismissal.

13.1(2) The service rating of an employee shall be open to inspection by the employee at any time, provided such inspection will not interfere with the work of the Board.

13.1(3) Any change made by the appointing authority to any service rating will immediately be reported, in writing, to the Director and to the employee.

REASSIGNMENTS

14.1 GENERAL PROVISIONS

14.1(1) Transfer of an employee in the classified service from a position in one department or agency to a position of the same class in another department or agency, with the consent of the appointing authorities concerned, may be authorized by the Director at any time. The Director immediately shall note such status on the affected employee's service record. Any involuntary transfer may be appealed to the Board.

14.1(2) Any transfer of an employee from a position in a lower classification range to a position in a higher classification range is deemed a promotion and may be accomplished only in the manner provided in these Rules for making promotional appointments.

INDEX

- Administration, 12, 20, 27, 29, 35
Agenda, 63
Announcement, 15, 28
Appeal, 9, 13, 60, 62, 63, 70
Applicant(S), 5, 13, 26, 28, 29, 32, 36, 39, 41, 42, 45, 54
Application, 10, 13, 28, 29, 30, 36, 42, 65
Appointing Authority, 4, 5, 7, 13, 14, 22, 24, 36, 47, 49, 51, 53, 54, 56, 57, 59, 60, 62, 64, 66, 68, 69, 73
Appointment(S), 4, 5, 6, 7, 10, 13, 17, 20, 22, 28, 29, 31, 33, 38, 41, 42, 44, 45, 47, 48, 54, 56, 57, 59, 67, 68, 70, 74
Armed Forces, 65
Band(S), 5, 42, 54, 55
Board, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 27, 28, 30, 31, 33, 35, 37, 38, 41, 42, 44, 46, 47, 48, 49, 50, 53, 56, 57, 59, 60, 62, 63, 65, 66, 68, 70, 71, 73, 74
Cancel, 39, 66
Candidate, 7, 14, 29, 44
Candidates, 28, 36
Certification, 22, 30, 44, 47, 48, 49, 51, 54, 57, 59, 60
Certified, 31, 42, 54, 55, 56, 57, 70
Chairperson, 18, 19, 20
Chief, 47
Chief Examiner, 12, 33, 35, 36, 39, 40, 41, 42, 46, 57
Civilian, 43, 65
Class, 25, 28, 47
Classification(S), 4, 6, 7, 8, 9, 10, 23, 25, 28, 32, 37, 42, 44, 45, 46, 48, 49, 57, 67, 69, 70, 74
Classified Service, 47
Collective Bargaining Agreement, 62, 66, 69
Competitive, 45
Components, 7, 12, 42
Deadlines, 34
Demotion, 4, 10, 22, 56, 59, 60, 62, 69, 73
Director, 7, 12, 15, 18, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 33, 36, 42, 44, 45, 46, 47, 51, 53, 54, 56, 57, 59, 60, 65, 66, 69, 70, 71, 73, 74
Disability, 13, 48, 66
Disciplinary Action, 20, 62, 63
Discipline, 6
Discrimination, 8, 13
Dismissal, 4, 9, 14, 22, 29, 35, 59, 60, 62, 63, 69, 73
Dismissed, 14, 29, 60, 62
Disqualification, 2, 14, 29, 52
Disqualified, 31
Eligibility List(S), 7, 8, 12, 29, 30, 31, 36, 38, 41, 42, 44, 45, 46, 47, 48, 52, 54, 56, 57, 60, 71
Eligibles, 4, 5, 6, 7, 8, 30, 31, 42, 44, 45, 46, 47, 54, 56
Emergency Appointment, 56, 57
Employee, 4, 6, 7, 8, 9, 13, 14, 22, 29, 30, 35, 42, 43, 47, 48, 49, 50, 51, 56, 57, 58, 59, 60, 62, 63, 65, 66, 67, 68, 69, 70, 71, 73, 74
Employment, 6, 8, 9, 12, 13, 21, 26, 30, 42, 65, 70
Examination(S), 4, 5, 7, 8, 9, 10, 12, 13, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 54, 57, 65
Executive Session, 20
Exhausted, 44, 49, 51
Experience, 5, 33
Extension, 59
Final Earned Rating(S), 41, 46, 54
Findings Of Fact, 49
Funeral Leave, 64
Grades, 36
Grievances, 10
Hearing(S), 14, 15, 18, 19, 20, 24, 49, 59, 60, 62, 63
Holidays, 57, 64

Incumbent, 68
 Injured, 42, 43
 Interview, 54
 Job Description(S), 5, 24, 28
 Lay-Off, 4, 22, 49, 51, 56, 60, 69
 Leave Of Absence, 5, 6, 9, 57, 65, 66, 67, 68
 Line Of Duty, 42, 43
 List(S), 5, 6, 7, 30, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 56, 57, 59, 60, 69, 70
 Mandatory Retirement, 72
 Mayor, 17, 19, 49
 Medical, 33, 37, 48, 50, 65, 66
 Meeting, 15, 18, 19, 20, 24, 63
 Mental, 13, 28
 Metro Council, 17
 Metro Preferred Reemployment List, 51, 56
 Military Leave, 50, 68, 69
 Military Service, 50
 Minimum Qualifications, 45, 51
 Minimum Requirements, 5, 8, 42
 Minutes, 18, 20, 21
 Notice, 2, 8, 15, 19, 27, 31, 36, 39
 Notification, 49, 53, 66
 Open Competitive, 28, 45, 48
 Open Records Requests, 21
 Oral, 12, 28, 62
 Passing Point, 40, 45
 Performance, 5, 8, 9, 12, 33, 58, 59, 60
 Physical, 5, 13, 28, 29, 33, 37, 48, 70
 Political, 13, 14, 17, 29
 Position(S), 4, 5, 7, 8, 9, 13, 20, 23, 24, 25, 29, 30, 31, 33, 36, 42, 43, 45, 46, 47, 48, 50, 51, 53, 54, 56, 57, 58, 59, 60, 62, 65, 66, 67, 68, 69, 70, 71, 74
 Postpone, 39
 Probation, 7
 Probationary, 4, 7, 33, 47, 49, 51, 57, 58, 59, 60, 62, 66, 70, 73
 Probationary Period, 33, 49, 59, 60, 73
 Promotion, 7, 10, 22, 28, 33, 56, 60, 74
 Promotional, 27, 30, 33, 36, 42, 46, 56, 57, 59, 60, 74
 Public Notice, 15, 19
 Qualifications, 5, 7, 28, 32, 34
 Qualified, 18, 26, 33, 36, 45, 66, 70
 Quorum, 19
 Rank, 42, 45, 54, 56, 66, 67, 70
 Rank Order, 45, 56
 Ranked, 42, 51, 56, 70
 Reassignments, 20
 Reclassification, 20, 23
 Records, 21, 25, 44
 Recruitment, 10, 26
 Reemployment, 6, 9, 30, 33, 47, 48, 49, 50, 51, 56, 59, 69, 70, 71
 Reemployment List, 51, 70
 Regular Employee, 57, 59, 62, 65
 Regular Employees, 33, 70, 73
 Reinstated, 60, 65, 66, 69, 70
 Reinstatement(S), 9, 10, 47, 49, 65, 68, 69
 Religious, 13
 Removal, 4, 10, 13, 30, 35
 Remove, 29, 52, 58
 Reprimand, 62
 Requirements, 28
 Resignation, 7, 47, 69
 Resigned, 7, 29, 47, 71
 Resigns, 47, 56, 65, 71
 Retired, 43, 48
 Review, 4, 9, 18, 41, 60, 63
 Score, 5, 7, 36, 40, 42, 45, 46, 54, 57
 Secretary, 28, 47
 Seniority, 49, 67, 69, 70
 Separation(S), 6, 8, 9, 20, 47
 Service, 4, 9, 13, 17, 22, 28, 33, 36, 42, 43, 46, 47, 49, 50, 51, 53, 56, 57, 62, 65, 66, 67, 68, 69, 70, 73, 74
 Service Ratings, 73
 Sick Leave, 57, 64
 Stress, 33, 37
 Subpoenas, 20
 Suspension, 4, 10, 59, 62, 69
 Temporary, 4, 22, 57, 70
 Ten (10) Calendar Days, 31, 49, 62, 70
 Terminate, 66
 Termination, 5, 50, 65
 Titles, 25
 Transfer, 10, 22, 56, 73, 74

Transfers, 20

Vacancies, 12, 17, 20, 33, 48, 49, 51, 54,
56

Vacancy, 4, 18, 47, 53, 57, 68, 70

Vacation, 57, 64

Value, 8

Voting, 19

Weights, 42, 45

Written Request, 49, 50

Written Statement, 7, 42, 59, 62

Written Tests, 33